

Kimberly A. Kralowec (CA Bar No.163158)  
kkralowec@kraloweclaw.com  
Kathleen Styles Rogers (CA Bar No. 122853)  
krogers@kraloweclaw.com  
**KRALOWEC LAW P.C.**  
3132A 24th Street  
San Francisco, California 94110  
Tel: (415) 546-6800  
Fax: (415) 546-6801

Lee Shalov (admitted *pro hac vice*)  
lshalov@mclaughlinstern.com  
Brett Gallaway (admitted *pro hac vice*)  
bgallaway@mclaughlinstern.com  
**McLAUGHLIN & STERN, LLP**  
260 Madison Avenue  
New York, New York 10016  
Tel: (212) 448-1100  
Fax: (212) 448-0066

Attorneys for Plaintiffs and the Class

Julie Dunne (CA Bar No. 160544)  
julie.dunne@us.dlapiper.com  
Matthew Riley (CA Bar No. 257643)  
matthew.riley@us.dlapiper.com  
Vani Parti (CA Bar No. 308468)  
vani.parti@us.dlapiper.com  
**DLA PIPER LLP (US)**  
401 B Street, Suite 1700  
San Diego, California 92101  
Tel: (619) 699-2700  
Fax: (619) 699-2701

Mandy Chan (CA Bar No. 305602)  
mandy.chan@us.dlapiper.com  
Andrea Ortega (CA Bar No. 317820)  
andrea.ortega@us.dlapiper.com  
**DLA PIPER LLP (US)**  
555 Mission Street, Suite 2400  
San Francisco, California 94105  
Tel: (415) 836-2500  
Fax: (415) 836-2501

Attorneys for Defendant  
APPLE INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

AMANDA FRLEKIN, AARON GREGOROFF,  
SETH DOWLING, DEBRA SPEICHER; AND  
TAYLOR KALIN, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 13cv03451-WHA

**STIPULATED REQUEST FOR ORDER  
SHORTENING TIME FOR NOTICE  
AND HEARING ON MOTION FOR  
PRELIMINARY APPROVAL OF  
STIPULATION REGARDING CLASS  
AND PRIVATE ATTORNEYS  
GENERAL ACT SETTLEMENT AND  
RELEASE FOR CLASS OF 105  
ADDITIONAL EMPLOYEES (L.R. 6-2);  
~~PROPOSED~~ ORDER**

Place: Ctrm. 12, 19th Floor  
Judge: Hon. William Alsup

Pursuant to Local Rules 6-2 and 7-12, Plaintiffs Seth Dowling, Aaron Gregoroff, Taylor Kalin, and Debra Speicher on the one hand, and Defendant Apple Inc. on the other hand, by and through their counsel of record (together the “Parties”), hereby jointly make this Stipulated Request for an order shortening time for notice and hearing on Plaintiffs’ Motion for Preliminary Approval of the Stipulation Regarding Class and PAGA Settlement and Release for Class of 105 Additional Employees) (the “Separate Motion for Preliminary Approval”), to address 105 additional employees who were inadvertently (according to Apple and its counsel) omitted from Apple’s Employee List and thus were not provided with notice of the original Stipulation Regarding Class and Private Attorneys General Act Settlement and Release (the “November 2021 Settlement Agreement”) in this case. The Separate Motion for Preliminary Approval is filed concurrently with this Stipulated Request, with a stated hearing date of August 11, 2022, consistent with the Local Rules and this Court’s requirements for noticed motions and hearing dates.<sup>1</sup>

In order to prevent delay and prejudice to the over 14,000 employees who were provided with notice under the November 2021 Settlement Agreement, as well as the 105 Additional Employees who were not, the Parties jointly propose, stipulate and request that the Court shorten the time for notice and advance and hear Plaintiff’s Separate Motion for Preliminary Approval at the same time as the previously-scheduled hearing on Plaintiff’s Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation (Dkt. 446) (“Motion for Final Approval of the November 2021 Settlement Agreement”), set for July 7, 2022. Good cause exists for shortening time for notice and hearing of the Separate Motion for Preliminary Approval so the Court may consider it together with the Motion for Final Approval of the November 2021 Settlement Agreement, as hearing these motions together will minimize further delays in payment to the 105 Additional Employees, and efficiency is served as there is no material difference between the terms

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<sup>1</sup> See, Notice of Motion and Motion for Preliminary Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement And Release For Class of 105 Additional Employees (“Separate Motion for Preliminary Approval”), Dkt. \_\_\_\_\_. Contemporaneously with the submission of the Separate Motion for Preliminary Approval, Plaintiffs filed the Joint Declaration of Lee S. Shalov and Kimberly A. Kralowec in Support of Motion for Preliminary Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement, and Release for Class of 105 Additional Employees (the “Joint Decl.”); Dkt. \_\_\_\_ Attached as Exhibit 1 to the Joint Decl. is the Stipulation.

of the November 2021 Settlement Agreement and the Separate Settlement Agreement and the Separate Settlement Agreement affords the 105 Additional Employees the same net payment per shift in settlement of this action as every Participating Class Member will receive from the November 2021 Settlement Agreement (with the addition of interest to compensate for the delay in payment after notice and approval of the Stipulation). Declaration of Kathleen Styles Rogers in Support of Stipulated Request for Order Shortening Time for Notice and Hearing of Motion for Preliminary Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement and Release for Class of 105 Additional Employees (filed herewith) ¶3.

WHEREAS, on or about November 11, 2021, Plaintiffs and Apple entered into the November 2021 Settlement Agreement (Dkt. 416-2);

WHEREAS, on December 28, 2021, the Court granted Plaintiffs' motion for preliminary approval of the November 2021 Settlement Agreement (Dkt. 431);

WHEREAS, in connection with the notice process that went forward after the Court granted preliminary approval of the November 2021 Settlement Agreement, Apple concluded that there were 105 additional individuals who transferred into a California location between August 3, 2015 and December 26, 2015: (i) had worked as a non-exempt employee at an Apple retail store in California during this time period; (ii) had not been identified as a Settlement Class Member; and (iii) consequently were not sent Notice of the November 2021 Settlement Agreement (Erwin Decl., ¶10);

WHEREAS, Apple concluded that these 105 individuals collectively worked 10,781 shifts at a California retail location during the Class Period (more specifically, between August 3, 2015 and December 31, 2015) (*Id.*);

WHEREAS, the Parties wish to provide relief for the 105 additional individuals without delaying relief to the Settlement Class Members covered by the November 2021 Settlement Agreement and without compromising the interests of those Settlement Class Members in any respect;

WHEREAS, the Parties have agreed to a proposed resolution of the Class Claims and PAGA Claims of these 105 individuals pursuant to the terms of the Separate Settlement Agreement attached

1 to the Joint Decl. as Exhibit 1; and.

2 WHEREAS, Defendant Apple stipulates that it supports and will file no opposition to the  
3 Separate Motion for Preliminary Approval;

4 NOW, THEREFORE, the Parties stipulate and jointly request that the Court shorten time for  
5 notice and advance the hearing for Plaintiffs' Separate Motion for Preliminary Approval (Dkt. 448),  
6 and that the Court permit said Separate Motion for Preliminary Approval to be heard concurrently  
7 with Plaintiffs' Motion for Final Approval of the November 2021 Settlement Agreement (Dkt. 446),  
8 set for hearing on July 7, 2022 at 8:00 a.m. in this Court.

9 Dated: June 29, 2022

**DLA PIPER LLP (US)**

11 By: /s/ Matthew Riley

12 JULIE DUNNE  
13 MATTHEW RILEY

14 *Attorneys for Defendant Apple Inc.*

15 Dated: June 29, 2022

**McLAUGHLIN & STERN, LLP**

17 By: /s/ Lee Shalov

18 LEE SHALOV

19 *Attorneys for Plaintiffs and the Class*

20  
21 **ATTESTATION**

22  
23 In accordance with Local Rule 5-1(i)(3), I attest that the other Signatories named above have  
24 concurred in the filing of this document.

25 Dated: June 29, 2022

**McLAUGHLIN & STERN, LLP**

27 By: /s/ Jason S. Giaimo

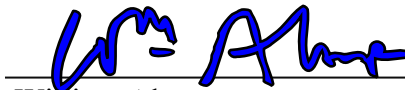
28 *Attorneys for Plaintiffs and the Class*

**~~PROPOSED~~ ORDER**

Pursuant to the parties' stipulated request, and good cause existing, the Court hereby shortens time for notice and advances the hearing of Plaintiffs' Notice of Motion and Motion for Preliminary Approval of Stipulation Regarding Class and Private Attorneys General Act Settlement and Release for Class of 105 Additional Employees (Dkt. 448), and orders that said Motion will be heard concurrently with Plaintiffs' Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation (Dkt. 446), set for hearing on July 7, 2022, at 8:00 a.m. in this Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 5, 2022



William Alsup  
United States District Judge